



Docket No.: 95-414

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

DODRILL et al.

Serial No.: 09/588,294

Group Art Unit: 2157

Filed: June 7, 2000

Examiner: NAJJAR, Saleh

For: APPLICATION SERVER FOR SELF-DOCUMENTING VOICE ENABLED WEB  
APPLICATIONS DEFINED USING EXTENSIBLE MARKUP LANGUAGE  
DOCUMENTS

**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
JUN 28 2004  
Technology Center 2100

Sir:

In response to the Official Action mailed March 25, 2004, applicant hereby submits the following remarks.

Reconsideration and allowance of the above-reference application are respectfully requested.

Claims are pending in the application.

Claims 1-44 stand rejected under 35 USC §103(e) in view of U.S. Patent No. 6,269,336 to Ladd et al. This rejection is respectfully traversed. The comments related to Ladd et al. submitted February 20, 2004, January 16, 2004 and August 25, 2003 are incorporated in their entirety herein by reference.

Applicant traverses the assertion that Ladd teaches generating an output file "for use as documentation that describes the voice application", as asserted on page 2: Ladd makes no reference

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whatsoever to documentation. Ladd et al. discloses (especially at col. 13, lines 41-65) that the voice browser 250 includes an interpreter unit 304 that carries out a dialog with the user based upon the tree structure representing a markup language document (col. 13, lines 45-60). The state machine 306 stores the tree structure of the markup language and maintains the current state that the voice browser is executing (see col. 13, lines 60-65; col. 16, lines 50-57).

Moreover, the parser 302 parses a markup language document retrieved by the network fetcher 300 (col. 12, lines 7-13) and in response generates the tree representing the markup language that is stored in the state machine 306 (col. 12, lines 15-24 et seq.). In particular, the parser 302 parses the markup language document according to a specific syntax and grammar.

Hence, the numerous references to the markup language refer to the markup language document that is parsed to generate the tree in the state machine 306.

There is no disclosure or suggestion in Ladd that a markup language is to be used as documentation, as claimed. Rather, Ladd repeatedly stresses that the markup language documents are parsed by the parser 302 to enable execution by the interpreter 304 according to the hierarchal structure (“tree”) stored in the state machine 306.

As admitted in the Official Action at the first paragraph of page 3 with respect to the rejections of claims 1 and 23, “Ladd does not explicitly teach the limitation wherein the output file describing the voice application is generated on a tangible storage medium for user documentation.”

However, the Examiner in the rejection of claims 1 and 23 improperly mischaracterizes the teachings of Ladd. In particular, the Examiner improperly asserts:

Ladd does teach that the parser unit 302 of the voice browser generates a tree or a hierarchical structure describing the user voice application and that structure is stored at the [sic] user terminal by state machine 306 (see col. 12, lines 15-25; col. 13, lines 40-65).

Applicant strenuously traverses this gross mischaracterization of Ladd: as illustrated in Figure 3, the voice browser 250 (containing the network fetcher 300, the parser 302, the interpreter 304, and the state machine 306) is implemented in the communication node 212 of an electronic network 206 and serves as an interactive voice response (IVR) interface for a user (see, e.g., col. 11, lines 25-35, col. 13, line 66 to col. 14, line 9).

Further, all user interactions are performed by the interpreter 304 via the text to speech resource 252 in the communication node 212 (col. 13, lines 45-48). There is no reference whatsoever that the hierarchal structure is stored “at the user terminal by state machine 306;” rather, the state machine 306 stores the hierarchal structure for use by the interpreter 304.

Hence, the assertion of outputting “a file stored memory for documentation purposes” is misplaced, without foundation, and inconsistent with the teachings of Ladd, especially since the voice browser is configured for serving as an interactive voice response interface for a user.

“The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” In re Fritch, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). In re Mills, 16 USPQ2d 1430 (Fed. Cir. 1990). Moreover, if the proposed modification or combination would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. MPEP § 2143.01, page 2100-132 (Rev. 2, May 2004) (citing In re Ratti, 123 USPQ 349 (CCPA 1959)).

Finally, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. MPEP §2141.02, page 2100-127 (Rev. 2, May 2004) (citing W.L. Gore & Assoc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983), cert.

denied, 469 U.S. 851 (1984)). As described above, the parser 302 parses the markup language documents to generate the hierarchal structure, stored in the state machine 306, for use by the interpreter 304 in carrying out a dialog with the user via the text to speech resource 252. There is no disclosure or suggestion to provide the actual markup language documents to the end user, as asserted.

For these and other reasons, the §103 rejection of claims 1 and 23 should be withdrawn.

Independent claims 16 and 38, also recite the same features, namely “generating an output file for storage on a tangible medium and for use as user documentation that describes selected attributes of the voice application.” Hence, the arguments above are incorporated in their entirety herein by reference; hence, the §103 rejection should be withdrawn.

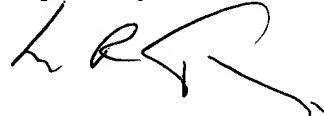
Applicant traverses the rejection of independent claims 16 and 38 as being inconsistent with the rejection of claims 1 and 23. In particular, the rejection of claims 16 and 38 merely provides an assertion that Ladd et al. discloses all the claimed features, providing boilerplate recitation of the claim language with no obviousness analysis whatsoever. As admitted previously in the Official Action on page 3, however, the cited portions of Ladd provide no disclosure or suggestion of the claimed application runtime environment configured for generating an output file for storage on a tangible medium and for use as user documentation that describes selected attributes of the voice application. Hence, the rejection of claims 16 and 38 fail to establish a prima facie case of obviousness.

For these and other reasons, the §103 rejection of independent claims 16 and 38 should be withdrawn.

In view of the above, it is believed this application is and condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-414, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L R Turkevich', with a long horizontal stroke extending to the right.

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**Date: June 25, 2004**